

3/14/05 - (8)

## **Selectmen's Minutes**

### **November 1, 2004**

**7:00 P.M.**

**Present:** F. Dore' Hunter, Peter Ashton, Robert Johnson, Walter Foster, Trey Shupert, Town Manager and Assistant Town Manager. Meeting was televised.

#### **CITIZEN'S CONCERNS**

None Expressed

#### **SEWER COMMISSIONER'S REPORT**

None

#### **PUBLIC HEARINGS & APPOINTMENTS**

**SUBWAY COMMON VICTUALLER'S LICENSE, 134 GREAT ROAD – PETER ASHTON** – Moved to approve the Common Victualler License for Subway. BOB JOHNSON – Second. UNANIMOUS VOTE.

**BRUCE FREEMAN RAIL TRAIL DISCUSSION** – A meeting has scheduled with Town Counsel and the other members of the Rail Trail for Wednesday. We need to secure the Right of Way easements that are needed. The Committee thinks a potential problem will be the crossings, they are asking for \$50,000, and to invest any funds not used to survey the crossing. Peter asked how much we spent on this for legal fees. Roland has included the legal fees. The Board thought that maybe this request should be expanded if the funds are available. Walter agreed that maybe we should ask for more money, but he wanted to hear from Steve Anderson before we move forward asking for more funds. He suggested we increase to \$75,000. It will be left it up to Town Meeting to vote if they agree. WALTER FOSTER – Moved to support a Conceptual Approval for this application. BOB JOHNSON – Second. UNANIMOUS VOTE.

**SITE PLAN SPECIAL PERMIT #397, RAILROAD REALTY TRUST, 19 RAILROAD STREET** – Mr. Gertler updated the Board on his progress. He has met with the HDC and has had discussions with ACHC. HDC had a list of issues that were brought up and they have attempted to go through each item. Mr. Peterman feels that HDC still has outstanding issues such as the parking area being too large. Walter asked about trim detail, exterior lighting and American House Hotel construction. Tom Peterman said that he feels that appropriate lighting can be found. The HDC wanted to see the plans for the American House Hotel. Mr. Peterman also noted they wanted the pavement reduced and they offered suggestions on how it could be done. HDC also asked that Mr. Gertler save the mature tree on site. It was noted that the development is out of the Historic District. Peter suggested that Mr. Peterman let him know about the fixtures he mentioned. Trey suggested that Mr. Gertler talk to the Outdoor Lighting Education Committee, as they have access to lighting options. Dore' proposed that we ask Garry Rhodes to write up a decision and to have Mr. Gertler continue to work with HDC on

outstanding issues. WALTER FOSTER – Moved to take under advisement. TREY SHUPERT. - Second. UNANIMOUS VOTE.

## **SELECTMEN'S BUSINESS**

**WOODLANDS AT LAUREL HILL (40B)** – Peter has prepared the Board's comments to ZBA. Dore' outlined the meeting that was held last week with Westford representatives. The items that were discussed, such as tax monies to go to Acton and various school issues.

Trey thanked Peter for his memo; he also noted the ACHC memo in this regard.

TREY SHUPERT - Moved that we submit the memo from Peter Ashton to the Board of Appeals, and that that be the Board's official position. BOB JOHNSON – Second. UNANIMOUS VOTE

## **COMMUNITY PRESERVATION ACT FUNDING APPLICATIONS**

Dore' discussed the submittals that the Board has received.

**PINE HAWK** – The Memorial Library requests cabinets to store Artifacts that were discovered on the construction site at the sewer plant costing \$35,000. The Board has several questions that needed to be addressed and staff was asked to follow up on this by asking Doug Halley to expand the information. Walter thought that the \$1,500 fee for lecture was not fundable under CPA.

## **SCHOOL STREET FIELD – withdrawn**

**EAV GREEN APPLICATION** – The East Acton Village Committee are asking for \$100,000 for the entire improvement, or \$16,500 to hire an engineering service. Bob said he felt the \$16,500 was a good number. Walter discussed the EVA, Bruce Freeman Trail and Morrison property. Walter felt we needed to obtain the parcel before we hire anyone to review it. Don noted the Set-back issue with the kiosk to be erected. It was noted that the right of way will be taken up with the Bruce Freeman Rail Trail and the plan may be too immature at this time. The Board will hold off until more is done.

**NARA IMPROVEMENTS** – Sand, bath house, shading etc. They wish to **withdraw** their application.

**PAVE THE PATH AROUND THE POND AT NARA** – A request for \$10,000 was submitted they may get a grant for half of the funding. They wish to **withdraw** their request as they are obtaining a Grant.

**FIRE APPARAUS REFURBISHMENT** – Chief Craig is continuing to go for the funding at a reduced amount. The Board felt that this is a good item for potential funding.

**MEMORIAL LIBRARY** – The Library wants to display Civil War, Veteran's items, and asked for funding to properly display these items. They have asked for \$30,000. Peter had a problem with not getting enough detail with this request. More detail is needed before they go before the CPA. The Town Manager was asked to contact them to

expand their submittal. Walter noted that there has been a lot of discussion on what is fundable and what to do with the artifacts.

Peter noted we have a number of items on the Capital Plan for 2007 and wanted to see if we could move them to 2006 since potential funding may be obtained with CPA Funds.

**MORRISON MASTER PLAN COMMITTEE** – Bob Johnson spoke about the make up of the Committee. It is recommended that Walter and Bob be Co-Chairs, Representatives of Conservation, Recreation, Cemetery, East Acton Village Committee and Land Stewardship Committee have provided representatives. Ethan Baxter was chosen as the Neighbor At Large. The Board discussed Bonnie Geithner and Maureen Bodner's applications for the Committee. It was noted that Bonnie knew Mrs. Morrison, and had ridden horses with her. She is very familiar with the property. Bob felt that Bonnie, being on the HDC, would also be helpful. They have chosen Bonnie as the Citizen at Large. They hope to have the committee up and running in two weeks. **PETER ASHTON** -Move we appoint recommended appointees to the Morrison Master Plan Committee. **TREY SHUPERT** – Second, **UNANIMOUS VOTE**

**QUARRY LAND DISCUSSION** – Walter reviewed the current situation with regard to this project. We received a number of e-mails both pro and con. The Peet's are interested in pursuing the project. They are willing to engage in the process suggested at the Special Town Meeting. We have received many comments, and a number of people have asked to serve on the committee.

Dore' felt we needed to appoint a member of the Conservation Commission, Planning and Land Steward Committee. Dore' noted that these committees should be asked to provide a member to serve on this committee. Dore' designated Bob and Trey as the co-Chairmen of this committee when formed.

**STATE OF THE TOWN** – Dore' said that staff is busy pulling the financial picture together. Nancy Tavernier has developed comments. Bob will do the Life after NESWC. Materials must be submitted to the Town Manager on the 12<sup>th</sup> of November. Peter is working with the Town Manager and Asst. Town Manager on the second issue and hope to have it completed next week. Dore' noted that there will be no electronic devices used at the meeting. Dore' noted he is not going to look for a quick response to questions, but would suggest we group the questions and address them later in the meeting.

**MIDDLESEX CHAMBER OF COMMERCE – TREY SHUPERT** - Moved to appoint Chris Papathanasiou as a member of the EDC with a term to expire 6/30/07 – **PETER ASHTON**, Second. **UNANIMOUS VOTE**.

**UPPER BLACKSTONE SEPTAGE CHARGES** – Don outlined the need for the increase because the cost to the town has increased. **BOB JOHNSON** – Moved to approve the increase suggested by the Board of Health. **PETER ASHTON** – Second. **UNANIMOUS VOTE**.

## **OTHER BUSINESS**

Dore' spoke about the complaint regarding the charge for installing cemetery markers at Veteran's graves. Don said that they do not want to offend anyone. We honor our

veteran's in many ways; we list the veteran's who have passed during the year with the date of death and what branch they were affiliated with in the Annual Report. At the Memorial Day Ceremonies. a member of the Board of Selectmen reads a list of those who have passed in the last year. An American Flag and geranium are placed at all veterans graves. A flag standard is installed as well as the marker given by the Federal Government. The charge that is required is for perpetual care. Staff feels that this is a reasonable cost. The Manager was to coordinate a response to the Complainant.

Peter noted the re-ordering of the letter drafted to the Governor – WALTER Moved to approve the letter as amended. TREY SHUPERT – Second. UNANIMOUS VOTE.

**SUB-COMMITTEE OF THE MIDDLESEX RETIREMENT BOARD** - Peter asked if he could attend the upcoming sub committee meeting. John said it was an open meeting and he could attend if he liked. John felt it would be better to attend the Advisory Committee meeting and Dore' said he would like to attend also.

**LIQUOR VIOLATIONS**– The Board discussed the recent violations, and felt that the latest incident at the Makaha was outrageous and we need to have them in to answer to the Board. The same meeting needs to be held with the representatives of Daniela's Tocarito's. The owners need to be present, as well as the Servers on duty at the time the violation to explain why we should not suspend their licenses. The letter to them should suggest that they appear with their counsel.

**EXCHANGE HALL** - Trey updated the Board on Glenn Berger's wanting a lease. Trey said that he first needed to have a site plan and then the lease will be discussed.

## **CONSENT AGENDA**

PETER ASHTON – Moved to approve. – BOB JOHNSON – Second. UNANIMOUS VOTE

## **TOWN MANAGER'S REPORT**

### **EXECUTIVE SESSION**

BOB JOHNSON –Move to go into Executive Session for the purpose of discussing Litigation and Contract Negotiations, to adjourn into the regular meeting. PETER ASHTON – Second. Roll Call was taken, All AYES

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Christine Joyce  
Recording Clerk

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Clerk

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Date

